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THE ADMINISTRATION OF A PHILIPPINE PROVINCE

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In discussing this subject I shall speak mainly of unwritten administrative customs and practices in provincial governments. I shall hardly refer to laws, written rules and regulations enough to show their bearing upon the extra-legal. I shall describe what members of the Academy will not be able to read for themselves. I shall also speak mainly of the province I know best, Lepanto-Bontoc, although many of the details are characteristic of provincial government throughout the Philippines.

There are three kinds of provincial governments in the Philippines. Under the form of organization found in thirty-one of the thirty-eight provinces of the islands, the governor is elected and, therefore, of course is in nearly every case a Filipino. The provincial treasurer, a member of the provincial board, will soon be the only American representative in the provincial government proper. The third position on the board has recently been made elective, so that the majority will rapidly pass into Filipino hands.

Lepanto-Bontoc is one of the five provinces that are organized under a "Special Provincial Government Act" because they are found amongst less advanced populations. Lepanto-Bontoc is the northernmost province of Igorrotes. Here all the members of the provincial board are appointed. In Lepanto-Bontoc there is still, as under the old system, a supervisor, who is a member of the board.

The Moro province is adapted to the government of a wilder people, and is more independent in legislative and financial powers. I shall not take it into consideration in what follows. Neither can I give time to the consideration of the local municipal administration. This is where the highest degree of self-government in the Philippines is found.

The provincial government, standing between the municipal and insular governments, holds at present neither the place of our

southern county nor of our state. It belongs to a Spanish system rather than to the traditional American one. In other words, it is appropriate to a colonial form of government. The Philippine provincial government resembles that of an English crown colony, especially in provinces where the provincial board is appointive.

Where the governor is elected the government is still highly centralized. His election must be confirmed by the governor-general, and in many ways he is responsible to the central government. The majority of the provincial board in which he sits have been until recently appointed from Manila and were, therefore, Americans. The insular and not the provincial government has control for the most part of the finances; as regards the police, the governor's power is but slight. The constabulary force of the province is under an American officer, who is or may be the most influential representative of the insular government in the province and a decided check upon the governor.

In this respect there is a decided difference between the Spanish and the American form of provincial government, especially in the less advanced provinces. There is a complete separation of the political and the military functions. The governor is not a *Comandante* of a *Gobierno Politico-militar*.

There is also naturally a more complete separation of legislative and judicial functions from the executive, in accordance with American ideas. Much, however, has been borrowed from the Spaniards not, perhaps, because of a settled conviction that their way was theoretically the best, but because it was easier to operate administrative machinery already set up and with which the natives were familiar. More and more, however, one hears the expression in the Philippines, "The Spaniards were not all wrong," or, "They knew how to do some things better than we."

In order to understand all the administrative functions that are exercised within the limits of a province, we need to recognize certain purely insular officials. First, and in the most complete sense insular, is the constabulary officer already mentioned. It is not necessary to dwell long upon the work of the constabulary. In the nature of the case, as an insular force, the functions of its commanding officer are not always in harmony with those of the provincial government, and especially of a native governor. Friction often exists, and jealously, if not more serious trouble.

Making all allowance for unjustified criticisms upon the constabulary that might arise in such circumstances, it is still a matter of history that the commission has found it necessary to correct serious abuses within this body. They have been largely chargeable, however, not to the American officer, but to the native recruit. When Igorrote soldiers under an Igorrote or even an Ilocano sergeant patrol the country, or when they are sent out to make an arrest or to gather food supplies near at home, it is not surprising if they take food at times without pay or through extortion, secure it at unfair rates, if they are not guilty of more serious crimes against persons or property. A partial remedy of this condition has been found in appointing more American officers and dividing the constabulary of the province into smaller groups for closer supervision.

Other powers that reside in the insular and municipal governments rather than in the provincial are the judicial, and, for the most part, the legislative. Only in provinces of the Lepanto-Bontoc type are the provincial officials *ex-officio* justices of the peace. This function takes a large portion of the governor's time, especially in Bontoc sub-province where the lieutenant-governor is the only justice of the peace.

It must be said that in this sub-province, at least, the hearing of civil cases is not well provided for. The lieutenant-governor has no jurisdiction over the greater portion of cases that arise, namely those involving real estate. These generally relate to rice paddies, worth only from five to twenty-five dollars apiece, too small in value to warrant the time and expense involved in taking the cases beyond the limits of the sub-province to a court of first instance. The lieutenant-governor has, as his only recourse, to persuade parties, when he may, to accept him as arbitrator in their cases, or to refer them back to the primitive system of the Igorrote village council.

The most important legislative functions of the provincial board are those relating to finance. But financial legislation is for the greater part reserved to the insular commission. Provinces have been rather zealous in making appropriations for provincial high schools, in sympathy with the general enthusiasm which now prevails in educational matters from the insular government down

to the municipality. They are much more slack in constructing and repairing roads and public buildings.

Filipinos are not nearly so willing as Americans to work out their road tax or to pay it. The opposition is so great that the government has quite generally suspended this tax, as has also been the case with that on real estate. Local finances, as is well known, are in a bad way. One result has been the necessity of cutting down an already insufficient force of employees and replacing higher American officials by Filipinos more rapidly than might otherwise be justifiable.

While the system of accounting in provincial affairs is under very minute regulations from Manila, it appears much better safeguarded on paper than it is in reality. When great numbers of receipts, vouchers and other papers are to be signed by illiterate Igorrotes, who cannot understand the papers if read to them—and they are usually not read—the habit is easily formed of making things look right on paper rather than of making the paper correspond to inconvenient details. In some places the old Spanish custom persists of making payments to the headmen rather than individuals of a community for road work and other services. This is only one of the many opportunities offered a corrupt presidente to take a "rake-off." As regards the latter custom, however, improvement is rapidly being made.

In all administrative affairs, financial or otherwise, the higher officials are introducing more and more strictness as rapidly as can be expected in the development of a new form of government. On the whole, American honesty has made a deep impression upon the native official mind, and this in spite of many sad lapses in our ranks, perhaps an even deeper impression and a more salutary example because of the severe punishment inflicted upon American provincial treasurers by their own countrymen. In the Igorrote country at least one often hears a preference expressed for American rule as compared with that of the Spaniards or of the *Insurrectos*. It is largely for financial reasons. "Americans pay better for what they get," say the Igorrotes.

In one respect they themselves make it difficult for an American to live up to his principles. It has become ingrained into their minds that *regalos*, presents, must be given on every occasion to a visiting

American, especially to the higher officials. It would be decidedly impolitic to refuse these, for instance, when taking the first steps in the establishment of sympathetic relations with a new and semi-independent district. Yet the line must be drawn somewhere. It becomes a vicious habit if presents are accepted, even indirectly, from the parties to a law-suit. To the Igorrote mind it seems perfectly proper to expect to secure in this way more favorable consideration.

Passing to the division superintendent of schools and the teachers located within the province. They are insular or municipal employees rather than provincial, although the members of the provincial board have considerable to do with the keeping up of the schools. Indirectly, at least, the board will see to it that municipal councils make the necessary appropriations for this purpose. The governor in provinces of the Lepanto-Bontoc type has generally acted as division superintendent and in some cases has directed the municipal police to assist in getting children out to school. Although there is no compulsory education law in the islands, there is to an extent a sort of local option tacitly allowed in compelling at least a certain attendance.

Without going into details one may say that other laws which have given provincial authorities especial difficulty in enforcement, are those requiring the branding and registration of large animals, especially in Igorrote districts; wide tires on cart wheels; vaccination and other sanitary measures—although in general a large degree of success has attended the work of the health inspectors in the provinces; and laws against the cutting of timber upon public lands, and providing for the registration of lands, the acquiring of homestead rather than squatter rights.

There are several extra-legal activities of importance in which provincial officials have often been greatly interested, but in which success is mediocre. One is the encouragement of agriculture. Certain American governors, and notably Spanish governors, have secured by administrative order and persistent attention a large amount of coffee planting, for instance, in Igorrote districts. In Bontoc these plantations have nearly all been destroyed, the trees cut down, because during other administrations no care was exercised in the matter. This is only one example of the difficulty of getting

permanent improvement in a local government which is not responsible to the people unless the central government makes corresponding provision among the duties of the office.

The government of the sub-province of Bontoc may finally be spoken of as the most primitive in form, just as its people, the northern Igorrotes, are the most primitive in culture, of any in the islands. Three years ago there was no organized municipality in this sub-province nor were taxes of any kind assessed. The government was entirely supported from outside sources. Outside of the general civil and criminal codes, there was very little law that directly applied to the affairs of the sub-province. The lieutenant-governor had practically the entire government within his own hands, subject to a remote responsibility. He was told in so many words on entering upon his office that he would "have a free hand." The main law that controlled his administration over Bontoc Igorrote affairs was contained in one sentence of the law authorizing him "to appoint officers for their settlements, to fix the designations and badges of office of such officers, and to prescribe their powers and duties."

The provincial governor visited him perhaps two or three times a year, and the supervisor somewhat more often to look after roads; but the lieutenant-governor procured the labor, the supplies of food, the "cargador" service, and the like, from the natives. Recently, since the organization of a few municipalities, the treasurer and his deputies assist in the collection of taxes and the provincial board approves ordinances, but the lieutenant-governor still appoints the officials in unorganized settlements. In Bontoc sub-province, he is the only justice of the peace.

All that followed from the fundamental law of the sub-province was unwritten custom, borrowed in part from the Spanish system which preceded, but in large part originating as the need arose. The lieutenant-governor appointed presidentes and vice-presidentes in each of the fifty or sixty small towns of the sub-province, preserving for the most part their ancient forms of communal government. Usually he appointed officers who were nominated or chosen by the elders and the chief families of the community. In addition to their certificate of appointment they were given, as badges of office, what they prized more highly, a cane and a bright-colored coat.

These town officials, although unpaid, proved to be most efficient helpers of the government in getting many extra-legal duties performed by their townspeople. Something like the Spanish system of required service and tribute was continued, with the important difference that everyone received a fair price. Igorrotes seem perfectly satisfied with the simple proposition that every town must do its fair share of what is to be done. Accounts were kept, not with individuals, but with towns, on the basis of their population or rather the number of their houses. Each town during the year was to furnish a certain amount of work on the roads, and in other public improvements, as well as of lumber, of rice, of other supplies, and of *cargador* service, that is, of carriers for travelers and supplies. As yet there were no horses and hardly even bridle trails for this purpose.

A little later two of the most advanced groups of towns were organized into "townships" or municipalities. Bontoc township was given a different government from any other in the Philippines, its chief peculiarity being that there were thirteen *presidentes* instead of one. The lieutenant-governor acted in the place of *presidente* for the district. It was found impossible to secure the natives' acceptance of an ordinary district *presidente*, who would necessarily be a resident of one of the towns of the township, because his town and the rest had been but recently head-hunting enemies one of another. The form of government as finally approved in Manila also conferred upon the lieutenant-governor instead of upon the council of *presidentes* the law-making power. The council is in reality advisory and administrative in function.

In practice the most of the time of a lieutenant-governor is spent in his judicial capacity, in supervising the local administration of municipalities and unorganized settlements, in an effort to stop head-cutting, and in the conduct of a bureau of labor and supplies as just described. He is recognized as a father of the people in a very real sense. He may even occupy a place in their primitive religion, something which is simply unintelligible to the outsider.

Such an extremely patriarchal system, so unlike the institutions of America, has, one is tempted to say, but one effective guarantee of good government. That is, character. The possibilities of such a system for good or evil are immense. The insular government

is far away, and cannot keep constant watch over the work of the lieutenant-governor. It cannot, either, be properly held responsible for all that he does. It cannot know, at least before the occurrence. For there are times when the man on the spot has dared, instead of shifting the responsibility upon the government, to figuratively "cut the wires," if one may use a phrase which was current in the early days in Samar. Perhaps unconsciously the commission stands towards its agent who is on the outposts, as some foreign colonial governments are said to do, in an attitude where it can reap the advantages of his successes, but disown his mistakes.

To sum up, in the Igorrote country, as in the Moro province, is seen what may be called a tendency towards a more paternal if not a military form of government. In the great majority of the provinces, however, those of more advanced peoples, the tendency is towards greater freedom. Rapidly the highest officers have been turned over from American to native hands, and the Filipino is enjoying an opportunity to train himself in the administration of provincial affairs, such as he never had under Spanish rule.

All is in line with President Roosevelt's principle, "A government by Filipinos aided by Americans," and with the phrase attributed to Governor Taft, "The Philippines for the Filipinos."